

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JEFFREY KROLIK et al.

Serial No.: 09/912,862

Examiner: Unknown

FAX RECEIVED

Filed: July 24, 2001

Group Art Unit: 3763

JUN 27 2002

For: APPARATUS AND METHODS FOR ASPIRATING EMBOLI

PETITIONS OFFICE

Docket No.: 1001.1507101

SECOND PETITION IN ACCORDANCE WITH 37 C.F.R. § 1.10(d)

Box DAC

Assistant Commissioner for Patents

Washington, D.C. 20231

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below

James G. Rodgers

Type of Print name of person signing certification

James G. Rodgers

Signature

6127102

Date

Dear Sir or Madame:

Applicants hereby petition the Commissioner of Patents to correct the Filing Receipt for the above-referenced Application, in accordance with MPEP § 201.11. The basis for this Petition is as follows.

On August 28, 2001, Applicants filed a "PETITION IN ACCORDANCE WITH 37 C.F.R. § 1.10 (d)" requesting a correction to the filing date. Accompanying this request was a transmittal sheet (including an authorization to charge any deficiencies to a deposit account), a postcard, a copy of the Express Mail receipt (Exhibit 1), and a copy of the USPS tracking report (Exhibit 2). A copy of the August 28, 2001 Petition, including the transmittal sheet and accompanying exhibits, is attached hereto as Exhibit A.

As set forth in the August 28, 2001 Petition, the correct filing date of Application Serial No. 09/912,862 is July 24, 2001, the date the Application was actually deposited with

the United States Postal Service under 37 C.F.R. § 1.10(d). The "date-in" indicated on the Express Mail receipt, however, incorrectly indicates a deposit date of July 25, 2001. To rectify this error, Applicants requested that the Application be accorded a filing date of July 24, 2001.

As can be seen from the returned postcard accompanying the August 28, 2001 Petition (see Exhibit B), the USPTO received Applicants' request to correct the filing receipt on August 30. Shortly thereafter, on September 11, 2001, Applicants received a filing receipt dated September 7, 2001, again indicating an incorrect filing date of July 25, 2001.

To date, Applicants have not received a response from the USPTO to indicate correction to the filing date accorded to the Application. In a telephone conversation with the Office of Petitions on June 26, 2002, Applicants were informed that the USPTO had no record of the August 28, 2001 Petition, despite having received a stamped postcard indicating receipt on August 30, 2001.

Pursuant to 37 C.F.R. § 1.10(d), Applicants hereby petition the Office to accord a filing date of July 24, 2001, and request that a corrected filing receipt be issued in due course. Furthermore, Applicants respectfully request that the "NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT" dated October 2, 2001 be likewise changed to reflect a correct filing date of July 24, 2001.

Respectfully submitted,

JEFFREY KROLIK et al.

By Their Attorney,

Date: 6/27/02



James G. Rodgers, Reg. No. 48,306

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krolik et al.

Examiner: Unknown

Serial No.: 09/912,862

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TRANSMITTAL SHEET

FAX RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

JUN 27 2002

PETITIONS OFFICE

Sir:

CERTIFICATE UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on

the 27th day of August 2002.

By:

Glenn M. Seager

We are transmitting herewith the attached:

- Petition in Accordance with 37 CFR §1.10(d)
including Exhibit 1 and Exhibit 2.
- Postcard receipt.
- Please charge any deficiencies or credit any overpayment in the enclosed fees to Deposit Account No. 50-0413

By:

Glenn M. Seager, Reg. No. 76,926

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P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Krolik et al.

Serial No.: 09/912,862

Examiner: Unknown

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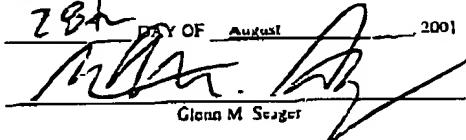
JUN 27 2002

PETITIONS OFFICE

PETITION IN ACCORDANCE WITH 37 CFR §1.10(d)

Assistant Commissioner
for Patents
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES
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ENVELOPE ADDRESSED TO: ASSISTANT
COMMISSIONER FOR PATENTS, WASHINGTON, D.C.
20231

7/24 DAY OF AUGUST 2001

Glenna M. Seager

Dear Sir:

On July 24, 2001, the above-captioned application was deposited in the "Express Mail Post Office Address". The express mail envelope and postcard receipt, however, had the date-in marked as July 25, 2001. The express mail receipt was also date stamped by the USPS on July 24, 2001. A copy of the express mail receipt accompanies this petition as Exhibit 1. The apparent ambiguity between the date-in of July 25, 2001 and date stamped date of July 24, 2001 can be resolved by reference to the USPS tracking report attached as Exhibit 2. This report indicates acceptance of Express Mail No. EL799290910US on July 24, 2001 in Minneapolis and delivery on July 25, 2001 in Washington, D.C. The express mail number on the tracking report is the same as that on the receipt found in Exhibit 1 and in the application papers filed on July 24, 2001.

In view of the foregoing, applicants respectfully request that the above-captioned application be accorded the filing date of July 24, 2001.

Respectfully submitted,

JEFFREY KROLIK ET AL.

By their Attorney,

Date:

Aug. 28, 2001

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